

REMARKS

The present application was filed on December 15, 2000 with claims 1-57. Claims 1-15 are pending and claims 16-57 have been canceled. Claim 1 is the pending independent claim.

In the outstanding Office Action dated March 31, 2005, the Examiner: (i) rejected claims 1, 2, 4-6, and 10-14 under 35 U.S.C. §112, second paragraph; (ii) rejected claims 1, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,996,015 to Day et al. (hereinafter "Day") in view of U.S. Patent No. 5,805,821 to Saxena et al. (hereinafter "Saxena"); (iii) rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena and U.S. Patent No. 5,933,155 to Akeley (hereinafter "Akeley"); (iv) rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, U.S. Patent No. 6,681,306 to Kessler et al. (hereinafter "Kessler"), U.S. Patent Publication No. 2001/0034736 to Eylon et al. (hereinafter "Eylon") and U.S. Patent No. 6,857,130 to Srikantan et al. (hereinafter "Srikantan"); (v) rejected claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, U.S. Patent No. 6,405,256 to Lin et al. (hereinafter "Lin") and "Official Notice"; (vi) rejected claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, U.S. Patent No. 6,185,184 to Mattaway et al. (hereinafter "Mattaway") and U.S. Patent Publication No. 2002/0023127 to Sabeti (hereinafter "Sabeti"); (vii) rejected claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, Kessler and U.S. Patent No. 6,732,111 to Brodersen et al. (hereinafter "Brodersen"); (viii) rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, Kessler, Brodersen and U.S. Patent No. 5,832,499 to Gustman (hereinafter "Gustman"); and (ix) rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena and U.S. Patent No. 6,037,991 to Thro et al. (hereinafter "Thro").

Claims 16-57 have been canceled without prejudice as being drawn to a non-elected invention.

With regard to the Information Disclosure Statement, an initialed and dated copy of the Applicant's IDS form 1149, dated December 15, 2000, and submitted with the original application was not received with the Office Action.

Regarding the specification, a new title has been provided in accordance with the Examiner's suggestion.

With regard to rejection of claims 1, 2, 4-6 and 10-14 under 35 U.S.C. §112, second paragraph, claims 1, 2, 4-6 and 10-14 have been amended to particularly point and distinctly claim the subject matter the Applicant regards as the invention. Accordingly, Applicant therefore respectfully requests withdrawal of the §112 rejection of claims 1, 2, 4-6 and 10-14.

With regard to the rejection of claims 1, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Saxena, Applicant asserts that the combination of Day and Saxena fails to disclose all the elements of the subject claims. However, Applicant has amended claim 1 to recite the step of selectively storing the multimedia file on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file, in an effort to expedite the application through to issuance. Support for the amendment can be found on page 4, paragraphs 3-6, of the specification.

Claim 1 recites a method for transferring multimedia data using a data communication system. A multimedia file, including a plurality groups of multimedia data, is stored on an application server. Each group has a predetermined data size. A client request is received and a client address is read at the application server. The client address corresponds to at least one client apparatus. Consecutive groups are stripped from the multimedia file and buffered in a staging buffer. The consecutive groups are transferred from the staging buffer to a streaming server along with the client address. Each of the consecutive groups received from the staging buffer are converted at the streaming server into a format readable by the at least one client apparatus, and sent to the at least one client apparatus. The multimedia file is selectively stored on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file.

Day discloses a multimedia server connected in a network configuration with client computer systems. The multimedia server includes various functional units selectively operable for delivering and effecting the presentation of multimedia files to the client. Two embodiments are provided. A first embodiment is provided in FIG. 1 having a format server 107, a controller unit 109, and a data

pump 111 arranged as separate machines. Day states, in column 3, lines 43-45, that “[t]he data pump 111 stores multimedia assets , and delivers assets to the clients.” Thus, the first embodiment of Day fails to disclose an application server that stores multimedia data and a separate streaming server that converts and transmits multimedia data.

In a second embodiment, Day discloses a multimedia server 201 that includes a presentation manager 207, an application server 209, a control server unit 211, a data pump arrangement 213, and a multimedia file system 215. Day discloses that multimedia assets are stored in the multimedia file system and the data pump 213 streams data to the client.

As admitted by the Examiner, Day fails to disclose a predetermined data group size, the reading of a client address corresponding to the client apparatus, the buffering of consecutive groups in a staging buffer, and the transfer of the groups from the staging buffer to a streaming server. However, the second embodiment of Day also fails to disclose the receiving of a client request at the server that stores the multimedia file (multimedia file system); the converting of multimedia data to a format readable by the at least one client apparatus at the streaming server (data pump); and the selective storing of the multimedia file on at least one of the application server and the streaming server based on a number of client requests for the multimedia file.

Saxena discloses a media streamer optimized for the delivery of isochronous data streams and able to stream data into new computer networks with ATM technology. Applicant asserts that Saxena fails to compensate for all of the deficiencies described above with regard to Day. For example, Saxena fails to disclose the selective storing of the multimedia file on at least one of the application server and the streaming server based on a number of client requests for the multimedia file. Therefore, the combination of Day and Saxena fails to disclose every element as recited in independent claim 1.

Dependent claims 4 and 5 are patentable at least by virtue of their dependency from independent claim 1. The patentability of claim 1 is described above. Dependent claims 4 and 5 also recite patentable subject matter in their own right. Accordingly, Applicant therefore respectfully requests withdrawal of the §103(a) rejection of claims 1, 4 and 5.

With regard to the multiple §103(a) rejections relating to dependent claims 2, 3 and 6-15 in view of a plurality of secondary references, Applicant asserts that dependent claims 2, 3 and 6-15 are patentable at least by virtue of their dependency from independent claim 1. The patentability of independent claim 1 is described above. Additionally, any combination of the plurality of secondary references with Day fails to compensate for Day's deficiencies described above with regard to independent claim 1.

Dependent claims 2, 3 and 6-15 also recite patentable subject matter in their own right. For example, with regard to claim 9, the combination of Day, Saxena and Mattaway fails to disclose the determination, in a request handler, of a number of client requests, from at least one client apparatus, for a multimedia file. More specifically, the Examiner contends that Mattaway discloses this determination step. However, Mattaway only discloses a directory server apparatus for providing the current dynamically assigned Internet Protocol addresses of client processes currently connected to a computer network. A list of entries is maintained, however Mattaway provides no disclosure of a determination of a number of client requests for a multimedia file from at least one client apparatus.

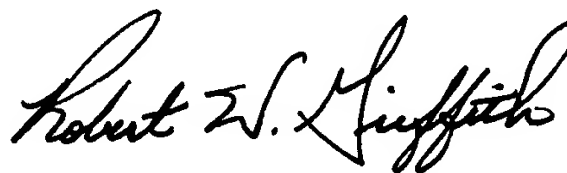
Additionally, with regard to claim 10, the combination of Day, Saxena and Sabeti fails to disclose the comparison of a number of client requests to a threshold number and the transferring of a multimedia file between servers when the number is greater than the threshold number. More specifically, the Examiner contends that Sabeti discloses these specific steps. However, Sabeti fails to disclose an application server and a streaming server and also fails to disclose anything regarding the transfer of a file between these two servers after a threshold number of requests are received.

With regard to claims 11 and 12, the combination of Day, Saxena, Kessler and Brodersen fails to provide any disclosure regarding the determination of a rate of sending multimedia from a streaming server to a client; the comparison of this rate to a threshold; and the purging of the multimedia file when the rate is less than the threshold. More specifically, the Examiner contends that Brodersen discloses these steps, however, Brodersen only discloses the attachment of non-database objects to any business object that a developer chooses.

Applicant traverses the "Office Notice" in the rejection of dependent claims 7 and 8, in that both the concept and advantages of converting after comparing and waiting a predetermined time period are not capable of instant and unquestionable demonstration as being well-known. Additionally, no concrete evidence has been pointed out to support these findings. Thus, Applicant requests that the Examiner provide documentary evidence to support such a contention. Accordingly, Applicant therefore respectfully requests withdrawal of the §103(a) rejections of dependent claims 2, 3 and 6-15.

In view of the above, Applicant believe that claims 1-15 are in condition for allowance, and respectfully requests withdrawal of the §112 and §103(a) rejections.

Respectfully submitted,



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